

**PROCEEDINGS OF THE COMMON COUNCIL OF
THE CITY OF RICHMOND, INDIANA,
MONDAY, JANUARY 7, 2008**

The Common Council of the City of Richmond, Indiana met in regular session Monday, January 7, 2008 in the Council Chambers in said City. Council President Parker presided.

PLEDGE OF ALLEGIANCE

PRAYER BY COUNCILOR WELCH

President Parker presided and the following business was conducted:

ROLL CALL

Councilors present were Howard "Jack" Elstro, Kelley Cruse-Nicholson, Bruce Wissel, Clay Miller, Bing Welch, Larry Parker, Robert Goodwin, Diana Pappin and Phil Quinn.

APPROVAL OF MINUTES

Councilor Miller moved to amend the December 17, 2007 minutes re Resolution No. 14 to read . . . *Councilor Parker moved to adopt Resolution No. 14-2007.* . . and to move the narrative for Resolution Nos. 12, 23, 24 and 15-2007 to MISCELLANEOUS BUSINESS, with a second by Councilor Cruse-Nicholson. Upon a vote *viva voce*, the motion passed. Councilor Welch moved to approve the minutes as amended of the meeting of December 17, 2007, with a second by Councilor Quinn. Upon a vote *viva voce*, the motion passed.

**PRESENTATIONS, MEMORIALS OR REMONSTRANCES, PETITIONS AND INTRODUCTIONS,
MOTIONS, RESOLUTIONS**

Council President Parker presented a gift to outgoing President Pappin and thanked her for her service to the Community.

COMMUNICATION FROM THE MAYOR

Mayor Hutton commended City Departments for their response during snow this winter.

REPORT FROM BOARD OF PUBLIC WORKS AND SAFETY

Minutes of the December 13, 20 and 27, 2007 meetings were accepted as presented.

REPORTS FROM DEPARTMENT HEADS - None

REPORTS FROM STANDING COMMITTEES

- Mayor Hutton requested confirmation of her appointment of Donna Spears to the Economic Development Corporation of Wayne County. Councilor Goodwin moved to confirm this appointment with a second by Councilor Cruse-Nicholson. Upon a vote *viva voce*, the motion passed.

REPORTS FROM SPECIAL COMMITTEES - None

REPORTS FROM ORGANIZATIONS

- The Wayne County Tourism Bureau requested confirmation of the City of Richmond/Chamber of Commerce appointment of Dana Weigle to the Tourism Board. This will be held until the January 22, 2007 meeting to allow for additional nominations.

MISCELLANEOUS BUSINESS

- The following Richmond High School Government students were in attendance: Kendra White, Megan Smith and Kendall Kirk.
- There will be a meeting of the Committee of the Whole on January 14, 2007, 7:00 PM, regarding Ordinance No. 87-2007 – A General Ordinance to Repeal Chapter 124 Entitled: Environmental Tobacco Smoke in Public Accommodations and Reenact it with the Title: Smoking in Public Places and Places of Employment.
- Council President Parker distributed Committee Assignments:

Richmond Power and Light Committees:

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|---------------------|---|
| Finance Committee: | Board members Pappin (Chair), Quinn & Goodwin |
| Employee Relations: | Board members Wissel (Chair), Parker & Miller |
| Street Lighting: | Board members Elstro and Cruse-Nicholson |
| Telecom (Parallax): | Board members Miller, Quinn, Goodwin & Welch |

Common Council Committees:

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|---|--|
| Animal Welfare: | Councilor Elstro |
| Audit/Personnel: | Councilor Pappin |
| Aviation Board: | Councilor Miller |
| Capital Equipment: | Councilor Quinn |
| Community Development and Revolving Loan Fund: | TBA |
| Community Services: | Councilor Cruse-Nicholson |
| Economic Development Commission: | Councilor Welch |
| Economic Development Corporation: | Councilor Pappin |
| Housing Authority: | Councilor Cruse-Nicholson |
| Parks/Recreation: | Councilor Welch |
| Plan Commission: | Councilor Wissel |
| Public Safety: | Councilor Goodwin |
| Public Works/Sanitary: | Councilor Goodwin |
| Street Trees: | Councilor Pappin |
| Tax Abatement: | Councilors Welch, Goodwin, Miller & Wissel |
| Telecommunications: | Councilor Quinn |
| Transportation: | Councilor Elstro |
| Urban Enterprise Association: | Councilor Quinn |

ORDINANCES ON FIRST READING

None

ORDINANCES ON SECOND READING

ORDINANCE NO. 81-2007 – A SPECIAL ORDINANCE AMENDING THE ZONING MAP FOR A CERTAIN PARCEL FROM R-3 (one to eight family residence) TO R-3 SPECIAL USE (220 NW “I” St.)

The Clerk read Ordinance No. 81-2007 on second reading by title only.

This Ordinance is a petition to rezone the property at 220 NW “I” Street from R-3 One-to-Eight Family Residence District to R-3 Special Use District so the owner may operate a computer repair shop in that location. There was a public hearing at the December 20, 2007 Richmond Advisory Plan Commission meeting and the Commission voted unanimously to recommend approval of the Special Use rezoning with the following commitments:

- A sign of no more than 2’x3’ be allowed;
- The sign will not be internally illuminated;
- The number of staff working at the site will remain the same;
- Any change of business plan that alters the nature of the business, particular in regard to customer traffic, would require an amendment to the rezoning ordinance.

Pursuant to IC 36-7-4-921 these commitments shall be binding upon: 1) The owner of the parcel; 2) A subsequent owner of the parcel; and 3) A person who acquires an interest in the parcel.

In the event that any of the aforementioned restrictions or requirements of the Richmond City Code are not met in full, the Special Use Rezoning is at that moment in violation of the Richmond City Code.

Council President Parker declared Ordinance No. 81-2007 as amended on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 81-2007 as amended with a second by Councilor Pappin. Upon a vote *viva voce*, the motion passed.

Councilor Wissel moved to advance Ordinance No. 81-2007 as amended to third and final reading and suspend the rules and read by title only with a second by Councilor Miller. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 81-2007 as amended on third reading by title only.

Ordinance No. 81-2007 as amended was adopted with a 9-0 roll call vote.

ORDINANCE NO. 83-2007 – A SPECIAL ORDINANCE AMENDING THE ZONING MAP FOR A CERTAIN PARCEL FROM R-4 (Multi-family residence district) to C-2 (Commercial District) (2100 Chester Boulevard)

The Clerk read Ordinance No. 83-2007 on second reading by title only.

This Ordinance is a petition to rezone the property at 2100 Chester Boulevard from R-4 Multi-Family Residence District to C-2 Commercial District to facilitate commercial development at that location. There was a public hearing at the December 20, 2007 Richmond Advisory Plan Commission meeting and the Commission voted unanimously to recommend approval of the C-2 rezoning with the following commitments:

- The following uses shall not be permitted upon the Subject Property: Kennels, automotive parts or services and sales, motorcycle or trailer sales, battery and tire service stations, car washes, sexually oriented business, exterminating shops, pawn shops, mini-warehouses, cell towers, any outdoor sales or storage, any uses first listed under M-1 or M-2 industrial districts and agricultural uses;

- The Owner will not remove the presently existing trees remaining along the division line between the Subject Property and that of Heritage House, provided, however, naturally occurring dead wood may be removed. Any subsequently occurring gaps in the tree line will be filled in with vegetation at least six feet in height;
- Pursuant to IC 36-7-4-921, these commitments shall be binding upon:
 - A. The owner of the parcel;
 - B. A subsequent owner of the parcel; and
 - C. A person who acquires an interest in the parcel.
- A violation of the above commitments may be treated as a violation of the principal permitted uses in the zone district for the Subject Property and enforced as such by the City of Richmond, Indiana.

Councilor Pappin moved to amend Ordinance No. 83-2007 to include the commitments recommended by the Richmond Advisory Plan Commission, with a second by Councilor Goodwin. Upon a vote *viva voce*, the motion passed.

Council President Parker declared Ordinance No. 83-2007 as amended on second reading and public hearing. Speaking in favor was George Sowers, Attorney for the Petitioner. There being no comments against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 83-2007 as amended with a second by Councilor Cruse-Nicholson. Upon a vote *viva voce*, the motion passed.

Councilor Welch moved to advance Ordinance No. 83-2007 as amended to third and final reading and suspend the rules and read by title only with a second by Councilor Pappin. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 83-2007 as amended on third reading by title only.

Ordinance No. 83-2007 as amended was adopted with a 9-0 roll call vote.

ORDINANCE NO. 86-2007 – A SPECIAL ORDINANCE AMENDING THE ZONING MAP FOR A CERTAIN PARCEL FROM M-1 LIGHT INDUSTRIAL DISTRICT TO C-3 CENTRAL BUSINESS DISTRICT (213 n 3RD St)

The Clerk read Ordinance No. 86-2007 on second reading by title only.

This Ordinance is a petition to rezone the property at 213 North 3rd Street from M-1 Light Industrial District to C-3 Central Business District so the owner may develop the site for commercial use. There was a public hearing at the December 20, 2007 Richmond Advisory Plan Commission meeting and the Commission voted unanimously to recommend approval of the C-3 rezoning.

Council President Parker declared Ordinance No. 86-2007 on second reading and public hearing. There being no comments for or against the Ordinance, Councilor Elstro moved for engrossment of Ordinance No. 86-2007 with a second by Councilor Cruse-Nicholson. Upon a vote *viva voce*, the motion passed.

Councilor Pappin moved to advance Ordinance No. 86-2007 to third and final reading and suspend the rules and read by title only with a second by Councilor Welch. Upon a vote *viva voce*, the motion passed.

The Clerk read Ordinance No. 86-2007 on third reading by title only.

Ordinance No. 86-2007 was adopted with a 9-0 roll call vote.

ORDINANCES ON THIRD READING

None

CALL FOR ADJOURNMENT

There being no further business, the meeting was adjourned.

S/S Larry Parker
Larry Parker, President

ATTEST: S/S Karen Chasteen
Karen Chasteen, City Clerk